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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16 ALEXANDRA HADDAD, individually and on  
17 behalf of all others similarly situated.

18 Case No. C 09-00958 RMW

19 **DECLARATION OF ROBERT J.  
GRALEWSKI, JR. IN SUPPORT OF  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED**

20 Plaintiffs,

21 vs.

22 NETFLIX, INC., WAL-MART STORES, INC.,  
23 WALMART.COM USA, LLC,

24 Defendants.

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GRALEWSKI DECLARATION IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER  
WHETHER CASES SHOULD BE RELATED  
Case No. C 09-00958 RMW

1           I, Robert J. Gralewski, Jr., declare:

2           1.       I am a member in good standing of the Bar of the State of California and am admitted  
3 to practice before this Court. I am a partner of the law firm Gergosian & Gralewski LLP, counsel for  
4 Plaintiff Alexandra Haddad in the above-captioned action. I submit this Declaration in support of  
5 Plaintiff's Administrative Motion to Consider Whether Cases Should be Related. The matters set  
6 forth herein are of my own personal knowledge, and if called and sworn as a witness I could  
7 competently testify regarding them.

8           2.       Attached hereto as Exhibit A is a true and correct copy of a complaint captioned  
9 *Alexandra Haddad v. Netflix, Inc., Wal-Mart Stores, Inc., Walmart.com USA LLC*, Case No. 09-cv-  
10 00958 (RMW) filed on March 5, 2009 in the Northern District of California and assigned to the  
11 Honorable Ronald M. Whyte. The *Haddad* action is a proposed class action on behalf of paid  
12 subscribers to Netflix.

13           3.       After reviewing the complaint filed on January 2, 2009 in *Resnick, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0002, plaintiffs in all cases assert claims for violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

16           3.       After reviewing the complaint filed on January 9, 2009 in *O'Connor v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00096, plaintiffs in all cases assert claims for violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

19           4.       After reviewing the complaint filed on January 9, 2009 in *Endzweig v. Walmart.com USA LLC et al.*, Case No. 09-cv-00111, plaintiffs in all cases assert claims for violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

22           5.       After reviewing the complaint filed on January 9, 2009 in *Schmitz v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00116, plaintiffs in all cases assert claims for violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

25           6.       After reviewing the complaint filed on January 12, 2009 in *Lynch, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00138, plaintiffs in all cases assert claims for violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

28           7.       After reviewing the complaint filed on January 12, 2009 in *Groce, et al.*,  
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1        *Walmart.com USA LLC, et al.*, Case No. 09-cv-00139, plaintiffs in all cases assert claims for  
2 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

3        8.        After reviewing the complaint filed on January 13, 2009 in *Sivek v. Walmart.com*  
4 *USA LLC, et al.* Case No., 09-cv-00156, plaintiffs in all cases assert claims for violations of the  
5 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

6        9.        After reviewing the complaint filed on January 14, 2009 in *Faris v. Netflix, Inc., et*  
7 *al.*, Case No. 09-cv-00180, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
8 U.S.C. Sections 1 and 2 against many of the same defendants.

9        10.        After reviewing the complaint filed on January 16, 2009 in *Slobodin v. Netflix, Inc., et*  
10 *al.*, Case No. 09-cv-00225, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
11 U.S.C. Sections 1 and 2 against many of the same defendants.

12        11.        After reviewing the complaint filed on January 20, 2009 in *Anthony, et al., v.*  
13 *Walmart.com USA LLC, et al.*, Case No. 09-cv-00236, plaintiffs in all cases assert claims for  
14 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

15        12.        After reviewing the complaint filed on January 20, 2009 in *Polk-Stamps v. Netflix,*  
16 *Inc., et al.*, Case No. 09-cv-00244, plaintiffs in all cases assert claims for violations of the Sherman  
17 Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

18        13.        After reviewing the complaint filed on January 22, 2009 in *Sheeler v. Walmart.com*  
19 *USA LLC, et al.*, Case No. 09-cv-00274, plaintiffs in all cases assert claims for violations of the  
20 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

21        14.        After reviewing the complaint filed on January 22, 2009 in *Chapman v. Netflix, Inc.,*  
22 *et al.*, Case No. 09-cv-00294, plaintiffs in all cases assert claims for violations of the Sherman Act,  
23 15 U.S.C. Sections 1 and 2 against many of the same defendants.

24        15.        After reviewing the complaint filed on January 22, 2009 in *Orozco v. Netflix, Inc., et*  
25 *al.*, Case No. 09-cv-00297, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
26 U.S.C. Sections 1 and 2 against many of the same defendants.

27        16.        After reviewing the complaint filed on January 26, 2009 in *Landels, et al., v. Netflix,*  
28 *Inc., et al.*, Case No. 09-cv-00340, plaintiffs in all cases assert claims for violations of the Sherman

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1 Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

2 17. After reviewing the complaint filed on January 26, 2009 in *Grime v. Netflix, Inc., et*  
3 *al.*, Case No. 09-cv-00349, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
4 U.S.C. Sections 1 and 2 against many of the same defendants.

5 18. After reviewing the complaint filed on January 26, 2009 in *Meyer v. Walmart.com*  
6 *USA LLC, et al.*, Case No. 09-cv-00361, plaintiffs in all cases assert claims for violations of the  
7 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

8 19. After reviewing the complaint filed on January 27, 2009 in *Randall v. Walmart.com*  
9 *USA LLC, et al.*, Case No. 09-cv-00368, plaintiffs in all cases assert claims for violations of the  
10 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

11 20. After reviewing the complaint filed on January 27, 2009 in *Miscioscia v. Netflix, Inc., et*  
12 *al.*, Case No. 09-cv-00377, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
13 U.S.C. Sections 1 and 2 against many of the same defendants.

14 21. After reviewing the complaint filed on January 27, 2009 in *Hirsch v. Netflix, Inc., et*  
15 *al.*, Case No. 09-cv-00375, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
16 U.S.C. Sections 1 and 2 against many of the same defendants.

17 22. After reviewing the complaint filed on January 27, 2009 in *Patras, et al. v. Netflix,*  
18 *Inc., et al.*, Case No. 09-cv-00378, plaintiffs in all cases assert claims for violations of the Sherman  
19 Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

20 23. After reviewing the complaint filed on January 28, 2009 in *Chatelain v. Netflix, Inc., et*  
21 *al.*, Case No. 09-cv-00391, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
22 U.S.C. Sections 1 and 2 against many of the same defendants.

23 24. After reviewing the complaint filed on January 28, 2009 in *Weiner v. Walmart.com*  
24 *USA LLC, et al.*, Case No. 09-cv-00398, plaintiffs in all cases assert claims for violations of the  
25 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

26 25. After reviewing the complaint filed on January 28, 2009 in *Millrood v. Walmart.com*  
27 *USA LLC, et al.*, Case No. 09-cv-00399, plaintiffs in all cases assert claims for violations of the  
28 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

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1        26. After reviewing the complaint filed on January 28, 2009 in *Kober v. Walmart.com*  
2 *USA LLC, et al.*, Case No. 09-cv-00400, plaintiffs in all cases assert claims for violations of the  
3 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

4        27. After reviewing the complaint filed on January 28, 2009 in *LaCabe v. Walmart.com*  
5 *USA LLC, et al.*, Case No. 09-cv-00402, plaintiffs in all cases assert claims for violations of the  
6 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

7        28. After reviewing the complaint filed on January 29, 2009 in *Roy v. Netflix, Inc., et al.*,  
8 Case No. 09-cv-00434, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
9 U.S.C. Sections 1 and 2 against many of the same defendants.

10        29. After reviewing the complaint filed on January 30, 2009 in *Bruno, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00445, plaintiffs in all cases assert claims for  
11 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

13        30. After reviewing the complaint filed on January 30, 2009 in *Zaker v. Netflix, Inc., et al.*, Case No. 09-cv-00447, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
15 U.S.C. Sections 1 and 2 against many of the same defendants.

16        31. After reviewing the complaint filed on February 3, 2009 in *Parikh v. Netflix, Inc., et al.*, Case No. 09-cv-00496, plaintiffs in all cases assert claims for violations of the Sherman Act, 15  
18 U.S.C. Sections 1 and 2 against many of the same defendants.

19        32. After reviewing the complaint filed on February 6, 2009 in *Johnson v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00553, plaintiffs in all cases assert claims for violations of the  
21 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

22        33. After reviewing the complaint filed on February 6, 2009 in *Gannon v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00554, plaintiffs in all cases assert claims for violations of the  
24 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

25        34. After reviewing the complaint filed on February 17, 2009 in *Williams v. Netflix, Inc., et al.*, Case No. 09-cv-00678, plaintiffs in all cases assert claims for violations of the Sherman Act,  
27 15 U.S.C. Sections 1 and 2 against many of the same defendants.

28        35. A stipulation pursuant to Civil Local Rule 7-11(a) could not be obtained because  
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1 Defendants in this action have not yet appeared.

2 I declare under penalty of perjury pursuant to the laws of the United States that the foregoing  
3 is true and correct. Executed in San Diego, California, on March 17, 2009.

4 DATED: March 17, 2009

Respectfully submitted,

5 GERGOSIAN & GRALEWSKI LLP  
6 EDWARD M. GERGOSIAN  
7 ROBERT J. GRALEWSKI, JR.

8 /s/ Robert J. Gralewski, Jr.

9 ROBERT J. GRALEWSKI, JR.

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